

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WORLD FUEL SERVICES (Singapore))	IN ADMIRALTY
Pte. Ltd., a Singapore Company,)	
)	No.
Plaintiff,)	
)	VERIFIED COMPLAINT
v.)	
)	
M/V ASIAN EXCELSIOR, IMO 9118329 <i>In</i>)	
<i>Rem</i> ,)	
)	
Defendant.)	
)	
)	
)	

COMES NOW plaintiff, World Fuel Services (Singapore) Pte. Ltd., (“World Fuel”), by and through its attorneys, Harris & Moure, pllc, and for verified claims against defendant, alleges as follows:

I. PARTIES

1. World Fuel is a Singapore company with its principal place of business in Singapore. World Fuel is not an owner, part owner, or joint venturer in ownership of the M/V ASIAN EXCELSIOR.
2. Defendant M/V ASIAN EXCELSIOR (“Vessel”), is a Singapore flag vessel.

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Harris & Moure
A Professional Limited Liability Company
600 Stewart, Suite 1200
Seattle, WA 98101
Phone: (206) 224-5657
Fax: (206) 224-5659

II. JURISDICTION AND VENUE

3. This is an admiralty and maritime claim within the meaning of Fed. R. Civ. P. 9(h) and Rule C of the Supplemental Rules for Certain Admiralty and Maritime Claims. This claim is within the jurisdiction of this Court pursuant to the general maritime law, 28 U.S.C. §1333, and 46 U.S.C. § 31342.

4. On information and belief, the Vessel is now and will be during the pendency of this action present in navigable waters within this district and within the jurisdiction of this Court.

5. Venue is proper pursuant to 28 U.S.C. §1391(b).

III. FACTUAL BACKGROUND

6. This is an action in admiralty, in rem to enforce a maritime lien on defendant Vessel M/V ASIAN EXCELSIOR, including, without limitation all of its engines, machinery, tools, fishing gear, boats, anchors, chains, tackle, fittings, navigation equipment, and all other equipment and appurtenances appertaining or belonging to the Vessel, whether on board or not.

7. This lien arises from the delivery of necessities to the Vessel pursuant to 46 U.S.C. §31342.

8. On or about October 18, 2011, Plaintiff World Fuel delivered fuel to the Vessel while it was in Singapore. Attached as Exhibit 1 is a true and correct copy of the Bunker Delivery Note associated with this delivery.

9. The owners and/or operators of the Vessel never paid the fuel invoice and payment remains outstanding in the amount of \$114,016.52. Attached as Exhibit 2 is a true and correct copy of the invoice for the October 18, 2011 fuel delivery to the Vessel.

18. Plaintiff World Fuel provided and/or paid for goods and services that were accepted by and benefited defendant Vessel, its owners and operators.

19. Defendant Vessel, its owners and operators, accepted the benefits of these goods and services provided and/or paid for by plaintiff World Fuel knowing that World Fuel expected reimbursement and/or payment for providing and/or paying for those goods and services.

Third Cause of Action: Money Due

20. Plaintiff realleges and incorporates the allegations set forth in paragraphs 1 through 19 above, as though fully set forth herein.

21. Defendant Vessel, its owners and operators, have not made payment of \$114,016.52 for fuel delivered to the Vessel by World Fuel.

22. As a result of this non-payment by defendant Vessel, its owners and operators, plaintiff World Fuel has incurred monetary damages in an amount which will be proven at trial, but certain to equal or exceed \$121,161.56.

V. PRAYER FOR RELIEF

WHEREFORE, plaintiff World Fuel prays for relief against the in rem defendant as follows:

1. That plaintiff World Fuel have judgment *in rem* against defendant Vessel ASIAN EXCELSIOR IMO 9118329, including, without limitation all of its engines, machinery, tools, fishing nets and other fishing gear, fish processing equipment, boats, anchors, chains, tackle, fittings, navigation equipment, and all other equipment and appurtenances appertaining or belonging to the Vessel, whether on board or not in the amount of \$114,016.52 for principal amounts owing by defendants, plus prejudgment and postjudgment interest, contractual fees, and attorneys' fees thereon as allowed by contract and by law;

1 2. The Clerk of this Court issue a warrant for arrest of the vessel M/V ASIAN
2 EXCELSIOR, commanding the United States Marshal for this district to arrest and take into custody
3 the defendant Vessel and detain the same in his custody until further order of this Court;

4 3. The Court hold that plaintiff World Fuel holds a valid maritime lien against the vessel
5 M/V ASIAN EXCELSIOR and its engines, appurtenances, furnishings, machinery and equipment,
6 as provided by 46 U.S.C. § 31342, and by federal decisional law construing the statute;

7 4. The Court hold that at the sale of the vessel M/V ASIAN EXCELSIOR, plaintiff may
8 credit bid without cash deposit the amount due and owing up to the full amount thereof;

9 5. The Court award plaintiff its attorneys' fees, costs and other expenses incurred in
10 connection with this proceeding, including without limitation, all costs incurred *in custodia legis* as
11 may be established at trial or otherwise awarded;

12 6. The Court grant such other legal and equitable relief as this Court deems just and proper.
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15
16 DATED this 29th day of November, 2011.

17 HARRIS & MOURE, pllc
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VERIFICATION OF COMPLAINT


I, Robert P. Vredenburg, am over the age of eighteen and competent to testify;

1. I am the PRESIDENT/DIRECTOR for plaintiff in the above-entitled matter.

2. I have read the foregoing Complaint, know the contents thereof, and believe the same to be true. I make this representation to the Court based on my position as PRESIDENT/DIRECTOR for plaintiff.

3. This verification on behalf of plaintiff is provided under Local Admiralty Rule 105.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct.


Print Name: ROBERT P. VREDENBURGH

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